

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES GINZKEY, RICHARD
FITZGERALD, CHARLES CERF, BARRY
DONNER, and on behalf of the class members
described below,

Plaintiffs,

v.

NATIONAL SECURITIES CORPORATION,
a Washington Corporation,

Defendant.

Case No.: 2:18-cv-01773-RSM

**STIPULATED MOTION TO REVISE
SCHEDULING ORDER REGARDING
CLASS CERTIFICATION**

NOTE ON MOTION CALENDAR:
MAY 4, 2020
WITHOUT ORAL ARGUMENT

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1 Plaintiffs James Ginzkey, Richard Fitzgerald, Charles Cerf, and Barry Donner
2 (collectively, "Plaintiffs") and Defendant National Securities Corporation ("Defendant")
3 (collectively, the "Parties"), by and through their undersigned attorneys, hereby submit this
4 Stipulated Motion to Revise the Scheduling Order Regarding Class Certification in this case.

5 **IT IS HEREBY STIPULATED:**

6 WHEREAS, Plaintiffs filed the Complaint in this action on December 10, 2018
7 (ECF No. 1);

8 WHEREAS, the Court issued an Order on April 9, 2020 on the Parties' prior Stipulated
9 Motion to Revise the Scheduling Order (ECF No. 28). The Court set a deadline for the Parties to
10 complete discovery on class certification by May 4, 2020. The Court set a deadline for Plaintiffs
11 to file a motion for class certification by June 4, 2020;

12 WHEREAS, the world is currently experiencing a global pandemic as a result of the
13 outbreak of Coronavirus Disease ("Coronavirus") and all litigation and legal proceedings have
14 been delayed as a result;

15 WHEREAS, this Court's General Orders Nos. 02-20 and have continued all civil hearings
16 pending further order of the Court;

17 WHEREAS, the Parties are conducting discovery on class certification through written
18 discovery requests, document productions, and depositions. In order to respond to discovery
19 requests, Defendants are in the process of reviewing over 140,000 pages of documents and
20 anticipate the need to collect additional documents. The Parties also need to take an additional
21 three depositions prior to briefing class certification issues. The Parties' scheduled depositions
22 were postponed due to the Coronavirus;

23 WHEREAS, given the delays caused by the Coronavirus, the complexity of the class
24 certification issues, the volume of document discovery to be conducted, and the witnesses' and
25 counsel's availability for depositions, the Parties anticipate that they will require additional time
26 to complete discovery regarding class certification;

WHEREAS, there is good cause to continue the deadlines for class certification discovery and briefing given the amount of time required to conduct all necessary discovery on class certification issues. In particular, the Parties anticipate that they will need approximately 90 additional days to collect and exchange documents, prepare for and take depositions, confer on any discovery issues, and make any necessary discovery motions;

WHEREAS, the Parties therefore request that the Court revise its Rule 16(b) and Rule 23(d) Scheduling Order Regarding Class Certification, and its Order of April 9, 2020, to allow time for the Parties to adequately conduct discovery on and brief the class certification issues;

NOW THEREFORE, in consideration of the Parties' stipulation and good cause shown, the Parties respectfully request the Court's approval of this Motion and an Order revising the Scheduling Order as follows:

Deadline to complete discovery on class certification (not to be construed as a bifurcation of discovery)	August 3, 2020
Deadline for Plaintiffs to file motion for class certification (noted on the fourth Friday after filing and service of the motion pursuant to Local Rules W.D. Wash. LCR 7(d)(3) unless the parties agree to different times for filing the response and reply memoranda).	September 4, 2020

DATED: May 4, 2020

By: s/ Alexander N. Loftus

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DATED: May 4, 2020

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National Securities Corporation

1 **IT IS SO ORDERED.**

2
3 DATED: May 13, 2020



4 **HON. RICARDO S. MARTINEZ**
5 **CHIEF UNITED STATES DISTRICT JUDGE**